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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 27th May 1957

S.R.O. 1857.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 472 of 1957, presented to the Commission on the 8th May, 1957 under section 81 of the said Act, by Shri Darbari Lal Sharma, S/o, Shri Bhoop Ram Sharma, resident of Jagatpur, Old City, Bareilly, calling in question the election to the House of the People from the Shahjahanpur constituency of that House of Shri Bishan Chand Seth, S/o. L. Kali Charan, House No. 128, Muzaffarganj, Shahjahanpur.

Presented to me by Shri Kushla Nand Pathak, who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the Eighth day of May, one thousand nine hundred and fifty-seven.

(Sd.) DIN DAYAL, Under Secy.,
Election Commission, India.
8.5.57.

(Sd.) KUSHLA NAND PATHAK.

Attested.

(Sd.) DIN DAYAL.

8-5-57

To

THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION NO. 472 OF 1957

Relating to the election held on 25th, 28th February, 3rd, 6th, 9th & 12th March, 1957 to the 315-Shahjahanpur Parliamentary Constituency. Darbari Lal Sharma, aged 50 years, S/o. Pt. Bhoop Ram Sharma, r/o Jagatpur, Old City, Bareilly—Petitioner.

Vs.

1. Bishan Chand Seth, aged about 46 years, S/o. L. Kali Charan, House No. 128, Muzaffarganj, Shahjahanpur.
2. Narain Din Balmiki M.P., aged about 50 years, S/o, not known r/o c/o Sri Kanhiya Lal Balmiki, M. P. No. 87, North Avenue, New Delhi—Respondents.

The above named petitioner most respectfully begs to state as follows:—

1. That the petitioner was, besides others, a nominated candidate at the above election for the general seat and is entitled to present this petition to question the election of respondent No. 1 Sri Bishan Chand Seth, the declaration of whose election has been made by the Returning Officer on 25th March 1957 for the general seat.

2. That the respondent No. 2 Sri Narain Din was, besides others, a candidate for the reserved seat and has been declared elected for the reserved seat and is as such made a party to the petition u/s 82(a) of the Representation of Peoples Act, 1951.

3. That the petitioner asserts that the election of respondent No. 1 is void and is liable to be set aside on the following grounds:—

(i) That there was a systematic appeal to the electors of Hindu community by the respondent No. 1 and his agents and other persons on his behalf and with his consent, to vote on ground of religion and community and the respondent No. 1 being the sole representative of Hindu community made use of and appealed to religious symbols. A large number of voters were led thereby to vote for the respondent No. 1 while many others who would have voted for the petitioners refrained from voting. Particulars of such appeals which affected the entire electorate are given in schedule 1 of the list of particulars attached to the petition. The petitioner asserts that the majority in favour of respondent No. 1 has been procured by means of this corrupt practice which falls u/s 123(3) of the R.P. Act and the result has been materially affected by the voting and refraining from voting mentioned above.

(ii) That the respondent No. 1, his workers and agents with his consent published statements in relation to the candidature of respondent No. 1 and other candidates which were false inasmuch as they did not contain the signature of persons on whose behalf these statements purported to be. The said false statements were reasonably calculated to prejudice the prospects of the election of the petitioner and have actually resulted in a large number of electors being misled and not voting for the petitioner. The details of the statements, the manner these were published and other particulars are set out in detail in schedule 2 of the list of particulars attached to this petition. The respondent No. 1 thus committed the corrupt practice u/s 123(4) of the R. P. Act.

(iii) That the respondent No. 1 and his agents with his consent hired and procured vehicles for the conveyance of the electors to the polling stations and back. The details and polling stations to which electors were so carried on conveyance and other particulars are set out in detail in schedule 3 of the list of particulars annexed to the petition. The respondent No. 1 thus committed corrupt practice u/s 123(5) of the R. P. Act.

(iv) That the respondent No. 1 himself and through his agents committed the corrupt practice of procuring and abetting and attempting to procure persons to personate at the election at several polling stations. Particulars of the persons personated of the polling stations where personation took place and the persons through whom personation was procured or abetted are set out in schedule 4 of the list of particulars annexed to the petition. The petitioner has also given the names of personators as he has been able to ascertain. The respondent No. 1 thus committed corrupt practice u/s 123(2) of the R. P. Act.

(v) That the respondent No. 1, his agents or workers with his consent asked the electors to cast vote one only and give that vote to respondent No. 1 and thereby interfered or attempted to interfere with free exercise of electoral rights of the electors by stopping them from casting both the ballots as required and asking them to cast both the ballots for the respondent No. 1. As a result, a large number of electors failed to exercise their electoral right and a large number of votes were cancelled. The particulars and details of this corrupt practice are given in schedule No. 5 of the list of particulars attached to the petition and amount to corrupt practice u/s 123(2) of the R.P. Act.

- (vi) That the respondent No. 1 has incurred or authorised expenditure in contravention of section 77 of R.P. Act, 1951 and no separate and correct account of all expenditure in connection with the election incurred or authorised by the respondent No. 1 has been kept according to prescribed rules. The details of this corrupt practice are set out in schedule 6 of the list of particulars attached to the petition.
- (vii) That the respondent No. 1 through himself or through his agents and workers obtained for the furtherance of the prospect of his election, assistance from persons in the service of the Government. The details and the particulars of this corrupt practice which falls u/s 123(7) of the R.P. Act are given in schedule 7 of the list of particulars attached to the petition.
- (viii) That the respondent No. 1, his agents and other workers with his consent and with the intention of obtaining the votes and support of the electors offered cash to the electors and other candidates and distributed throughout the constituency a large number of yellow caps free of charge and thereby committed the corrupt practice of bribery u/s 123(1) of the R.P. Act. The details and particulars of this corrupt practice are given in schedule 8 of the list of particulars attached to the petition.
- (ix) That the respondent No. 1 his agents and workers with his consent and with the intention of obtaining the votes promised and offered to supply guns and arms to various persons and thereby committed the corrupt practice of bribery u/s 123(1) of the R.P. Act. The details and particulars are given in schedule 9 of the list of particulars attached to the petition.
- (x) That the result of the election has been materially affected by the corrupt practices aforesaid, committed by respondent No. 1, his agents and workers, as aforesaid.
- (xi) That the result of election has also been materially affected by and on account of the following illegalities and irregularities in the conduct of election by the election staff or the respondent No. 1, his agents or with his consent.
- (a) That the original place fixed for polling was changed at an eleventh hour at polling stations Nos. 50 and 51 in Khera Bajhra constituency No. 85. The result was that a large number of electors could not be informed and were unaware of the change and could not reach the polling station to cast their votes. Some voters who had reached the former place could not or did not go to the new place.
 - (b) That the ballot papers intended for the parliamentary constituency at polling stations Nos. 52 and 53 (Benda) in the Puwanya Assembly constituency No. 81 were interchanged with that intended for Assembly constituency. The Returning Officer erred in taking into account and counting as correct all such invalid votes which ought to have been rejected outright.
 - (c) That the respondent No. 1 got a large number of agents appointed and they were allowed to act as polling agents of the respondent No. 1 although in contravention of the rules, their appointment forms did not bear the true signatures of respondent No. 1 but only the name of respondent No. 1 was written by some one else. This was done purposely to create a chance for respondent No. 1 to escape the responsibility for the action of these agents in case it was so needed to suit his purposes.
 - (d) That the respondent No. 1 through his agents and workers acting with his consent canvassed for votes for himself on the election dates by issuing chits bearing an appeal on behalf of the respondent No. 1 to vote for himself and also by soliciting votes in his favour in contravention of section 130 of the R.P. Act. This was done at all the polling places throughout the constituency.
 - (e) That at Katra polling centre of the Khera Bajhra Assembly constituency, there was an order for establishment of two polling stations Nos. 42 and 44 for male voters and two Nos. 43 and 45 for female voters. The Presiding officer did not have two polling stations for lady voters but kept only one for ladies and created 3 stations for male

voters. The female voters could not thus freely exercise their right of franchise and a large number of the petitioner's voters attached to these polling stations went away simply because the ladies did not want to fall in the line of male voters.

4. That the petitioner asserts that but for the votes obtained by the respondent No. 1 by corrupt practices, illegalities & irregularities the petitioner would have obtained majority of valid votes.

5. That the petitioner has deposited as security the sum of Rs. 1000 only and the receipt of which is enclosed.

6. That the petitioner, therefore, prays (1) that the election of Sri Bishan Chand Seth, respondent No. 1 who is the returned candidate be declared void and be set aside. (2) Costs of the petition and counsels fee be allowed. (3) Any other relief to which the petitioner be in law and equity entitled to be granted.

(Sd.) DARBARI LAL SHARMA.

The contents of paragraphs Nos. 1, 2 and 5 are verified to be true upon personal knowledge and contents of paragraph 3(i) (ii) (iii) (iv) (v) (vi) (vii) (viii) (ix) (x), sub-clause a, b, c, d and e of paragraph 3(x) and paragraph 4 are verified upon information received which the petitioner believes to be true, paragraph 6 is prayer.

Verified this Seventh day of May, 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 1

List of Particulars Attached to the Petition

(a) Publication & distribution throughout the whole constituency before the election the following hand bills, pamphlets and notices containing appeal to religion & community.

Heading	Contents
1. Hindu Dhwa	Eh Hindu Jati ka Mahan Ketu Hai Jo Hindu Jati Panth Prant Varan Aur Jatiyun kee Puranta karta Hal Per Hindu Dhwaj kewal Hindu Jati ka hee Haec Varan Hindu Dharam ka Bhi Pratik Voh Yogeeshwar Krishan Eh Dharamdhari Parth Voh Gian yog kee Kundalni Eh karam yog ka kirpan. Is Dhwaj par Om Ankit Hai..... Vedon ka Arambh Om Agnimiley Prohit se Hua Hai.....Om ke Pujej Mantey Hain Swastik.....Satwen Tirathkar ka eh Ghinh Hai.
2. Rashtriya Gane	Hindu Drohi Jidhar Badhe Ga Lohey se Takraleyga Bhley Hindu Bhool Na Jana, Hindu Ho Kar Mani na yadc Hindu Mahasabha ki Bat, Gau Hlatia ka pap lagcyga Aur Bhookhon Mar Jain Gen Jo Abhe Eh vote Tera Khaddar Dhari Pa Jain Gey. Piarcy Mitron Agar Tumben Eh Hindu Dharam Bachana Hai.....Usi box men votc Dalna Ghinh Bana Ghora Aswar.
3. Hindu Rashtra Ki Alah	Na Janmch Na Naran Bataven Nirakar He Tu Sakar Aniycc Atyacharin ko Jab Jab Badho Bhoomi par Bhar-Gau Brahman Santan ke Karon Tab Tab Ap Let Autar Dharam Nisawan Congress Bhai Hindu Veer Kisan Majuron Kiun Rahe Dhan Aur Dharam Metai.

Heading	Contents
4. Rashtriya Gane (Hind Ki Lal-kar)	Piarey Mitron Agar Tumhen Eh Hindu Dharam Bachana Hai.....To Ghur Sawar Baxey men Tumko vote Dalena Hai.
5. Abadh Dhara	Ham Chahtey Hain Bharat He Musalman Islam ko Mantey Huey Apne Ko Hindu Kahan Musalman yadi Aesa Nahi Kartey To Hindu Sabha Unheh Pan-chmargi Ke Roop men Nahin Rahney Daigi apne Desh men.
6. Hindu Rashtra ka Ek Isthambh	Kiun ke Hindu so Ittar kisi Doosrey Rashtra ka Astitav hi Is Desh men Ham Nahin Manteey.
7. Ghalat Pircharakon Se Savdhan	Kiunke Men Hindu Hun Atta Hindu Sanghatan Hindut ki Raksha Tatha Hinduon ki Vastavik Unati ke Liey Sadev Piriatan Sheel Rahun Ga.
8. Chetawani	Atha Janta Se Nivedan Hai ke Jhutey Pracharkon se Savdhan Rahen Aur Apna Amuley vote us Ummidwar ko Den Jishe hath Men Hindut Surakhchit Rahey
9. Sachcha Adhikari kon hai—	Sardar Darshan Singh ko vote dena Hinduon ke voton ki Haya Hai.
10. Bhari Vijay	Vote Dekar Hindu Jati ki Raksha Karo.
11. Appeal Hindu Mahasabha—	Vijya Prapta kara kar Hindu Jati ka Mastak Uncha karo.
12. Sri Bishan Chand Ji Seth—	Hinduon ki Aor Se Chunao Laren.
13. Rashtriya Dharmopdesh—	Dharam Bachana Yadi Tum Chaho Bahan Beti Aur Mat men.
14. Matao Aur Bahno Se Vishesh Nivedan	Hindu Jati ki Vastavik Raksha karo.
15. Sanghe Shakti Kaloooge—	Dharam Karya.
16. Rashteriya Alha	Hindutwa ki Raksha Karo.
	Ghur Sawar ko Bhul Na Jaiho Hai Hindun ko yahi Nishan Hindu Hiton ki Raksha Kejye.

(b) Distribution of a large number of yellow caps free of charge throughout the constituency to create a feeling and current of some religious expediency among Hindus.

(c) Assertion and use of religious words, phrases and symbols for election by means of hand bills, pamphlets etc. distributed throughout the constituency before election.

(1) Circular No. 8 U.P. Mahasabha Lkw—Is Pavitra Dharmik Sidhant ko Bal Den.

(2) Punwanya Chetra ke Niwasiyon ko Awashyak Soochna—Chunnao Rupi Yajya men vote Rupi Ahuti Dal Kar Hindu Jati ki Raksha kar Apne Kartavya ka Sachcha Palan kar Saken.

(3) Rashterya Dhawaja—Distribution for appeal to the flag.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are upon information believed to be true. Verified this day of May Seven, 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 2

Publication and distribution of notices, hand bills and pamphlets throughout the constituency before the election.

Hindu Hit Rakshak Dharamvir Bishan Chand Seth Ko Lok Sabha ki seat Larne Ke Liye Ham Logon Ne Tayar Kar lia.

Pt. Angan Lal Saraf Jalalabad & Sri Thaneshwar Prasad Pathak Vakil did not sign any such notices or hand bills and the statement have been falsely imputed to them.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information received which the petitioner believes to be true. Verified this day of May Seven, 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 3

S. No.	Date	Polling Centre	Description of vchicles used	Place from & to	Description & No. of voters carried
1	2	3	4	5	6
1	6-3-57	Inter College Jalalabad.	Motor cars .	From inside Abadi of Jalalabad upto the road terminus to the College path.	Most of the voters residents of Jalalabad.
2	12-3-57	Qilla Normal School Shah- jahanpur	USW 512 USW 340	From Mohallas Ma- nghai Tola Bala Tirahi Abdullah Ganj Mahman Shah Garipura to the corner of school.	Most of the voters residents of Mohallas Manghai Tola Bala Tirahi Ab- dullah Ganj Mah- man Shah Garipura.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information received which the petitioner believes to be true. Verified this Seventh day of May 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 4

Constituency	Polling station	Date of election	Person personated	Person personating
1	2	3	4	5
1. 85 Khera Bajhera	1 Barua	3-3-57	1. S. No. Gyan Chand s/o Mewa Ram Male.	1 Shyam Wati w/o Mewa Ram Female.
2. 85 Khera Bajhera.	2 Barua	3-3-57	2 S. No. Samal s/o Lakhan, age 48, male.	2 Bandho only a boy aged 18 years.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are upon information believed to be true. Verified this day of May Seven, 1957 at Breilly.

(Sd.) DARBARI LAL SHARMA.

True Copy

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 5

Appeal by notice with heading "Janta ko Samyik Sujhao" distributed by respondent No. 1 and on his behalf in the entire constituency. The electors of I. Puwanya 2. Jamaur 3. Jalalabad 4. Khera Bajhera constituencies were more particularly affected.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are upon information believed to be true. Verified this day of May Seven 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 6

- (1) Accounts have not been kept date-wise. Expenses authorised or incurred before have been shown at a very late stage.
- (2) Vouchers have not been serially maintained.
- (3) Advance payments have not been shown and entered at appropriate date and place.
- (4) Cost of electoral rolls and the amount of security deposited have not been shown.
- (5) A large number of chits were distributed and got printed. These expenses have not been shown.
- (6) Accounts of payments for Motor Cars and Jeep and other vehicles have not been correctly shown and these vary in amount or date and time of use.
- (7) Cost of yellow cloth and caps made and distributed have not been shown.
- (8) The booklet "Rashtriya Gane" was got published and printed from two presses (1) Vijai Press Shahjehanpur and (2) King Press Bareilly. The charges of the former Press have not been shown and there is mistake in the payment to King Press Bareilly. It has not been shown where from paper was supplied to this press for printing this book.
- (9) Another book "Abadh Dhara" has been got printed from Hind Printers Bareilly but it has not been shown where from the paper was received.
- (10) Details of expenditure on cloth purchased for flags and number of flags and cost of painting these flags do not tally with each other.
- (11) The details of expenses in many vouchers do not tally with the details mentioned in column 2 of the return of election expenses.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information received which the petitioner believes to be true. Verified this Seventh day of May, 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 7

- (1) At Willa Normal School Polling Station in Shahjehanpur City Assembly Constituency on 12th March 1957 the Presiding officer and the Dy. S.P. on duty were openly siding and favouring the candidature of respondent No. 1 by so arranging the ques and regulating the entry of voters inside the polling booth that the respondent No. 1's voters got priority over those of petitioner and other

candidates. A large number of the petitioner's voters could not exercise their votes and others went out of the quies due to the delaying tactics of the Presiding officer and the Dy. S.P. who were there to maintain only law and order.

(2) At Simrai Polling station in Shahjehanpur Assembly constituency on 12th March 1957 the Presiding officer was openly siding and showing special favours to the agents of the respondent No. 1 and was going off and on inside the polling compartment alone and doubts were raised that he was doing so to insert the ballot papers that were left by the voters on the ballot boxes into the ballot box of respondent No. 1.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information received which the petitioner believes to be true. Verified this Seventh day of May 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 8

(1) Ram Vilas Singh, a candidate for U.P. Assembly from the Jamaur Constituency was given a sum of Rs. 1,000/- by cheque before the date of his election.

(2) Yellow caps were distributed in thousands throughout the constituency from the very beginning of the election and any one who only promised to vote for respondent No. 1 was given the cap free of charge by the workers of respondent No. 1.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information received which the petitioner believes to be true. Verified this Seventh day of May 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

SCHEDULE 9

Offer by means of pamphlet with heading Rashtriya Alha printed by Jai Gopal Rastogi Pradhan Hindu Mahasabha printed at Vijay Press published and distributed widely throughout the constituency during canvassing prior to election dates.

(Sd.) DARBARI LAL SHARMA.

Verification

The contents of the above schedule are verified to be true upon information which the petitioner believes to be true. Verified this Seventh day of May, 1957 at Bareilly.

(Sd.) DARBARI LAL SHARMA.

True Copy.

(Sd.) DARBARI LAL SHARMA.

[No. 82/472/57.]

By Order,

DIN DAYAL, Under Secy.